

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRACEY WHITE, et al.,

Plaintiffs

v.

THOMAS JACKSON, et al.,

Defendants.

Cause No. 14-cv-01490 - HEA

AFFIDAVIT OF BRUCE KOZOZENSKI

COMES NOW Bruce Kozozenski, and on his oath, and of his personal knowledge and information, avers as follows:

1. My name is Bruce Kozozenski. I am employed by St. Louis County, Missouri within the Department of Administration, holding the job title of Manager of Risk Management.

2. It is within the scope of my job duties to coordinate and be knowledgeable of all policies of insurance covering St. Louis County Government, including excess insurance policies. I am also familiar with the method by which St. Louis County self-funds payment of claims made against it and its employees pursuant to the St. Louis County Self-Insurance Policy.

3. St. Louis County Self-Insurance Policy provides for coverage of "only those claims for which sovereign immunity is not authorized under Section 537.600 et seq. R.S.Mo. (2007 as amended)." Under the first section, titled "NON-WAIVER OF SOVEREIGN IMMUNITY," the Policy states that the "County expressly does not hereby waive, and County does hereby avail itself of and reserve, any and all rights, immunities, protections and defenses available under Section 537.600 et seq., under any present and future state or federal provisions, or under common law as it develops.

EXHIBIT

County

Exhibit DD

4. County Exhibit C is a copy of the Self-Insurance Policy of St. Louis County, Missouri, and was in effect during August, 2014 and remains in effect currently.

5. The County's Excess Insurance Contract with Starr Indemnity & Liability Company contains a statement expressly declaring that the policy does not include "coverage for any suit, claim or liability against which St. Louis County is immune pursuant to Sec. 537.600 R.S.Mo. et seq, or any other statute or law granting counties of the State of Missouri governmental, or sovereign, immunity, to the fullest extent to which such immunity is applicable." Further, the policy clarifies that nothing in the policy "shall be construed to broaden the liability of the Named Insured beyond the provisions of Sections 537.600 to 537.610 of the Missouri Statutes. . . nor to abolish or waive any defense at law which might otherwise be available to the Named Insured, its officers or employees.

6. County Exhibit D is a copy of the Excess Liability Policy that was in effect and covers the period including August, 2014.

Bruce Kozozenski (signed Bruce Kozozenski)

Before me appeared Bruce Kozozenski, known to me, and swore that he affixed his signature to this affidavit of his own free will and that the statements are true and accurate.

Patricia S. McCauley
Notary public



PATRICIA S. MCCAULEY
My Commission Expires
April 18, 2019
St. Louis County
Commission #15468888